

U.S.S.N. 09/842,613  
Filed: April 26, 2001  
AMENDMENT AND RESPONSE TO OFFICE ACTION

**In the claims**

1. (once amended) An aqueous, film-forming coating composition comprising a polyhydroxyalkanoate polyester, wherein the composition forms a water-resistant film at ambient temperatures and at least 60% of the polyester particles have a density of less than  $1.02 D_{\min}$ ,  $D_{\min}$  being the lowest density attainable by the polyester.

11. (original) The composition of claim 1 wherein the polyhydroxyalkanoate polyester forms particles which fuse at ambient temperatures.

12. (original) The composition of claim 1 wherein the polyhydroxyalkanoate polyester comprises a copolymer of between 60 and 100 mole% 3-hydroxybutyrate and between 0 and 40 mole% 3-hydroxyvalerate.

13. (original) The composition of claim 1 further comprising other film-forming polymers.

14. (original) The composition of claim 13 wherein the film-forming polymers are obtained from monomers obtained from petroleum or vegetable oil feedstocks and which are present in an amount of up to 95 wt% of the combined weights of the film-forming polymer and the hydroxyalkanoate polyester.

15. (Twice amended) The composition of claim 1 further comprising a copolymer which comprises monomers capable of forming homopolymers having high minimum film-forming

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temperatures and monomers capable of forming homopolymers having low minimum film-forming temperatures.

16. (Twice Amended) The composition of claim 15 wherein the monomers capable of forming homopolymers having high film-forming temperatures are selected from the group consisting of carboxylic acids, non-acidic monomers, fumaric anhydrides, and maleic anhydrides.

17. (Twice amended) The composition of claim 15 wherein the monomers capable of forming homopolymers having low film-forming temperatures are selected from the group consisting of ethyl acrylate, 2-ethyl acrylate, methyl acrylate, butyl acrylate, and vinyl esters of branched chain acids.

18. (Original) The composition of claim 1 further comprising a pigment.

19. (Original) A method of coating a structure comprising applying an aqueous film-forming coating composition comprising a polyhydroxyalkanoate polyester, wherein the composition forms a water-resistant film at ambient temperatures and at least 60% of the polyester particles have a density of less than 102%  $D_{min}$ ,  $D_{min}$  being the lowest density attainable by the polyester.

20. (Original) The method of claim 19 wherein the polyhydroxyalkanoate polyester forms particles which fuse at ambient temperatures.

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21. (Original) The method of claim 19 wherein the polyhydroxyalkanoate polyester comprises a copolymer of between 60 and about 100 mole% 3-hydroxybutyrate and between about 0 and 40 mole% 3-hydroxyvalerate.

22. (Twice amended) The method of claim 19 wherein the coating composition further comprises a copolymer which comprises monomers capable of forming homopolymers having high minimum film-forming temperatures and monomers capable of forming homopolymers having low minimum film-forming temperatures.

23. (Twice amended) The method of claim 22 wherein the monomers capable of forming homopolymers having high film-forming temperatures are selected from the group consisting of carboxylic acids, non-acidic monomers, fumaric anhydrides, and maleic anhydrides.

24. (Twice amended) The method of claim 22 wherein the monomers capable of forming homopolymers having low film-forming temperatures are selected from the group consisting of ethyl acrylate, 2-ethyl acrylate, methyl acrylate, butyl acrylate, and vinyl esters of branched chain acids.

25. (Original) The method of claim 19 wherein the composition further comprises film-forming polymers comprising monomers obtained from petroleum or vegetable oil feedstocks and which are present in an amount of up to 95 wt% of the combined weights of the film-forming polymer and the hydroxyalkanoate polyester, and the composition is applied as a paint or varnish.

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26. (Original) The method of claim 25 wherein the coating is applied to surfaces found on buildings or vehicles, their fittings or furnishings, or on metal or plastics containers.